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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,511	09/24/2003	Piotr Przybylek	LHUD-03501-UUS	1484
33794 7590 03/20/2008 MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079				
EXAMINER LUONG, ALAN H				
ART UNIT		PAPER NUMBER		
2623				
NOTIFICATION DATE		DELIVERY MODE		
03/20/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/669,511

**Applicant(s)**

PRZYBYLEK, PIOTR

**Examiner**

ALAN LUONG

**Art Unit**

2623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2, 4, 6, 7 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 6, 7 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

The art unit is changed into 2623.

### *Response to Amendment*

This Office Action is responsive to the Amendment filed on 12/ 29 /2007.

Claims 1, 3, 5, 8-11: (Canceled)

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha el al.(US Patent No. 6,490,724; hereinafter US'724), in view of Bates et al. (US Patent No. 7,047,548; hereinafter US'548).

**Regarding to claim 2.** Ha teaches a method for selecting a channel of radio and television sets comprising

switching a set on(see **US'724, Fig. 2, col. 3 lines 23-33**);

searching the databases for information about channel viewed last or-

most--often on a day of the week and at a time of switching the set on (searching a

user's viewing habit regarding aerial broadcasting; comparing a present time and

channel with a habit database per predetermined time period; see **US'724; Fig. 1, col.**

**3 lines 1-6**)and at a time of switching the set on; selecting a the channel viewed last on

the day of the week and at the time of switching the set on (for displaying a message asking whether it is converted to the habit channel after showing the channel information; for converting the channel to a channel by a user's selection;)setting the channel viewed last on the day of the week and at the time of switching the set on (for checking a habit function key input when the habit channel is viewed; for adjusting the presently viewed channel or other channels and channel conversion time in accordance with the user's selection when the habit function key is inputted and reserving the result in the habit database;)( **see steps S1-S9; Fig. 1, col. 3 lines 6-22**);

However, Ha fails to teaches monitoring channels viewed by a user storing data about a channel viewed last on a particular time of a particular day of the week in databases

Bates, the same field of selecting the channel; teaches monitoring channels viewed by a user storing data about a channel viewed last on a particular time of a particular day of the week in databases (Other information relied on by the invention that is stored in memory 26 include the Last Channel of Interest 450 which is used to store the channel that is most likely to be of interest to the user when the selective view button is pressed; **US'548, Fig. 4; col. 5 lines 4-28**); (Although table 400 is shown as one table keyed by times slots, those skilled in the art will appreciate that a table 400 could be allocated to each day of the week so that viewing habits could be tracked not only by time slot, but by the time slot on a given day, and still be in the scope of this invention. Likewise one table 400 could be allocated for and used on weekends while another table 400 could be allocated for and used during weekdays; **see Fig. 4, col. 5**

**lines 29-41)(Also see Fig. 5, col. 5 lines 42-61).** Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention was made to combine the method for monitoring channels viewed by a user storing data about a channel viewed last on a particular time of a particular day of the week in databases as taught by Bates with the searching, selecting channel method of Ha, in order to set a preferred channel when power is turned ON without using too much memory.

**Regarding to claim 4:** Ha also teaches the method for selecting the channel according to claim 2 wherein data about the channel viewed last is stored (Based upon the information of channels and viewing time period which are determined as habit, a habit data is generated and stored in habit database; **see col. 3 lines 63-65**) jointly for workdays and jointly for weekends or jointly for workdays and individually for Saturdays and for Sundays;(the habit database is updated every day or every week; **col. 3 line 66 to col. 4 line 4**).

3. Claims 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ha et al. and Bates et al., in view of Rodriguez et al. (US Pub. No. 2003/0110491; hereinafter US'491).

**Regarding to claim 6:** Neither Ha nor Bates teaches the method for selecting the channel according to claim 2 above data about the channel viewed last is stored separately for each day for each hour.

Rodriguez et al., the same endeavor, teaches the method for selecting the channel according to claim 2 above wherein data about the channel viewed last is stored separately for each day for each hour (one preference look-up table 392 may be

used for each of the seven days of the week. Alternatively, one preference look-up table 392 may be used for a group of days such as Monday through Friday, another for weekend days, such as Saturday and Sunday, and yet another for holidays; **see US'491, ¶0062**). The following table represents a non-limiting example of some of the information that may be contained in a preference look-up table 392; **see US'491, Table 1; ¶0064, ¶0065**). Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to combine Time-adaptive viewing control as taught by Rodriguez with channel surfing method of Ha and Bates, in order to allow user defines time period for receiving last view channel.

**Regarding to claim 7:** Rodriguez also teaches the method for selecting the channel according to claim 2 wherein one of the databases is a table having columns defining time intervals (The time area 2902 includes time slots 2903. Each time slot is for displaying a time period that is part of the day(s) indicated in day indication area 2901. Each time slot may cover, for example, a half-hour period, a one hour period, a two hour period, a three hour period, a four hour period, a twelve hour period, etc.; **US'491, Fig. 29A, ¶0122**), rows defining days (the day indication area 2901 may be used to display one of the following days or group of days: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, Monday through Friday, Saturday & Sunday; **see ¶0122**) and fields with a number of a viewed channel (The viewing parameter area 2904 contains a list of viewing parameters such as for example, television services, television service types, service instances, or service instance types; **see ¶0122**) (**Also see US'491, Figs. 29A, 29B, 29C and ¶0122 to ¶0125**).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ha et al. and Bates et al., in view of Chang (US Patent No. 5,438,377; hereinafter US'377).

**Regarding to claim 12:** Bates teaches the method for selecting the channel according to claim 2 wherein the searching is activated by a user by switching the set on (When the user presses SV button 42 on remote control unit(15 of FIG. 3), a signal is sent to User Input Interface 40 which generates a selective view button pressed event which is returned at block 510. Control then proceeds from 510 to 512, where it is determined whether a switch channel event has occurred; **see US'548, Figs. 3, 5 and col. 5 line 42 to col.7 line 10**) but fails to teach switching the set on by means of a "Power-on" button.

Chang teaches the method for selecting broadcast video signal on selected channel designated by the user's activation of selected keys of key pad (13 of Fig. 1) when POWER ON mode is controlled by microcontroller (**col.3 line 48 to col.4 line 41 and Fig. 2 through Fig. 4**). Therefore, it would have been obvious to a person having an ordinary skill in the art at the time of the invention was made to modify a method using key pad to activate by users for channel selection as taught by Chang with the channel surfing method of Han and Bates; in order to initialize the channel searching set ON by means of a POWER ON mode.

### ***Response to Arguments***

Applicant's arguments with respect to claims 2, 4, 6, 7, 12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.



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/A. L./

Examiner, Art Unit 2623

Date 03/04/2008

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623